

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:: D. Cook	)	Group Art Unit: 3761
	:	
	)	Attorney Ref.: 39726/29361
	:	
	)	Filed: herewith
	:	
For: RETAINER FOR	)	
LARYNGEAL MASK (as amended)	:	

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Commissioner:

Please enter the following amendments and accept the following remarks:

IN THE CLAIMS:

1. An endo-tracheal tube retainer used to facilitate the removal of a laryngeal mask of the type used to facilitate lung ventilation and the insertion of endo-tracheal tubes or related medical instruments through a patient's laryngeal opening, said laryngeal mask being removed from a patient's oropharynx without dislodging any inserted endo-tracheal tubes or related medical instruments passing through the laryngeal mask into the patient's tracheal tube, said endo-tracheal tube retainer comprising:

a solid, semi-rigid stylet rod having proximal and distal ends; and

a connection adapter tapered from a proximal end of said connection adapter to a distal end of said connection adapter for secure insertion within a range of endo-tracheal tubes, said adapter being secured to said distal end of said solid stylet rod.


#### REMARKS

Claim 1 has been amended to more fully describe the stylet rod of the invention as a *solid* stylet rod. No new matter is introduced as a result of the amendment. The specification clearly supports "a solid stylet rod." A simple rewording of a passage where the same meaning remains intact is permissible, without introducing new matter. *In re Anderson*, 471 F.2d 1237, 176 USPQ 331 (CCPA 1973); MPEP 2163.07. The asserted amendment is simply a rewording. Support is found in Figures 8 and 9, which clearly depict the stylet rod of the invention as being solid. Support is also found, among other places in the specification, on page 6, lines 9 and 17-21, page 11, lines 1 and 20-25, and on page 12, lines 1, 9 and 14. There, and throughout the specification, the claimed stylet is defined as a "stylet rod." The Examiner's attention is directed to the Merriam Webster's Collegiate Dictionary, Tenth Edition, wherein the term "rod" is defined as "a slender bar." The term "bar" is defined therein as "a solid piece or block of material that is usu. considerably longer than it is wide." Accordingly, and as one skilled in the art would appreciate, a "stylet rod" is inherently solid. Accordingly, it is submitted that the amendment to claim 20 does not introduce new matter into the disclosure of the invention. Therefore, Applicant respectfully requests entry of the amendment herein into the record of the present application.

In view of the above, Applicant respectfully asserts that the application, as amended herein, has been brought into condition for allowance. All correspondence should continue to be directed to my address given below.

Respectfully submitted,

Thompson Coburn LLP

By   
Ahaji Kirk Amos  
Reg. No. 46,831  
One Firststar Center  
St. Louis, MO 63101  
(314) 552-6580  
(314) 552-7580 FAX